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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND AND SIXTY-FIFTH MEETING

Held at Headquarters, New York,
on Saturday, 4 April 1992, at 1.30 a.m.

President:	Mr. MUMBENGEGWI	(Zimbabwe)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	Cape Verde	Mr. BARBOSA
	China	Mr. JIN Yongjian
	Ecuador	Mr. MONTALVO
	France	Mr. MERIMEE
	Hungary	Mr. BUDAI
	India	Mr. VYAS
	Japan	Mr. HATANO
	Morocco	Mr. BENJELLOUN-TOUIMI
	Russian Federation	Mr. LOZINSKY
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. PICKERING
	Venezuela	Miss TRUJILLO

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The meeting was called to order at 1.30 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

The PRESIDENT: I should like to inform the Council that I have received a letter dated 3 April 1992 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/23781 and reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite Dr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the current consideration by the Security Council of the item entitled 'The situation in the occupied Arab territories'."

The request is not made pursuant to rule 37 or rule 39 of the the provisional rules of procedure of the Security Council, but if approved the Council would invite the Permanent Observer of Palestine to participate, not under rule 37 or rule 39, but with the same rights of participation as those conferred by rule 37.

Does any member of the Security Council wish to speak on this request?

Mr. PICKERING (United States of America): The United States, as it normally does when this question is considered, will request a vote on the proposal before the Security Council, and the United States will vote against it on two grounds.

First, we believe that the Council does not have before it a valid request to speak. Secondly, the United States maintains that the representative of the Palestine Liberation Organization should be granted

(Mr. Pickering, United States)

permission to speak only if the request complies with rule 39 of the provisional rules of procedure.

It is unwarranted and unwise for the Council to break with its own practice and rules in this regard. As all members of the Council are aware, it is a long-established practice that Observers do not have the right to speak in the Security Council upon their own request. Rather, a request must be made on the Observer's behalf by a Member State. My Government sees no justification for any departure from that practice.

Further, there is nothing in resolutions adopted by the Assembly that would warrant a change in Security Council practice. It is also clear that the General Assembly resolutions are, of course, not binding upon the Security Council.

General Assembly resolution 43/177, which purported to change the designation of the PLO Mission, did so

> "without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system, in conformity with relevant United Nations resolutions and practice".

That resolution does not constitute recognition of any State of Palestine. Like many other Members of the United Nations, the United States does not recognize such a State.

The United States has consistently taken the position that under the provisional rules of procedure of the Security Council the only legal basis on which the Council may grant a hearing to persons speaking on behalf of non-governmental entities is rule 39. For four decades, the United States has supported a generous interpretation of rule 39, and it would not have objected had this matter been appropriately raised under rule 39. We are, however, opposed to special and ad hoc departures from orderly procedure.

(Mr. Pickering, United States)

The United States consequently opposes granting to the Palestine Liberation Organization the same rights to participate in the proceedings of the Security Council as if that organization were representing a Member State of the United Nations. This point is, of course, in no way contradicted, but is indeed reinforced, by General Assembly resolution 43/177.

We believe in listening to all points of view, but not in a manner that requires violations of our rules of procedure. In particular, the United States does not agree with the practice of the Security Council that recently appears selectively to try to enhance the prestige of those who wish to speak in the Council through a departure from our rules of procedure. We consider this practice to be without legal foundation and to constitute, indeed, an abuse of our rules.

For all these reasons, the United States requests that the terms of the proposed invitation be put to the vote. Of course, the United States will vote against this proposal.

The PRESIDENT: If no other member of the Council wishes to speak at this stage, I shall take it that the Council is ready to vote on the request by Palestine.

It is so decided.

A vote was taken by show of hands.

In favour: Austria, Cape Verde, China, Ecuador, India, Japan, Morocco, Russian Federation, Venezuela, Zimbabwe

Against: United States of America

Abstaining: Belgium, France, Hungary, United Kingdom of Great Britain and Northern Ireland

The PRESIDENT: The result of the voting is as follows: 10 votes in favour, 1 against and 4 abstentions. The request has been approved.

At the invitation of the President, the representative of Palestine took a place at the Council table.

The PRESIDENT: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of members of the Council to the following documents: S/23721, letter dated 16 March 1992 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General; and S/23740 and S/23770, letters dated 20 March and 1 April 1992, respectively, from the Chargé d'affaires ad interim of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General.

Members of the Security Council have received photocopies of a letter dated 1 April 1992 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the President of the Security Council. A similar letter has been addressed to the Secretary-General and will be issued as a document of the Security Council under the symbol S/23782.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The members of the Security Council are gravely concerned by the continued deterioration of the situation in the Gaza Strip, especially by the current serious situation in Rafah in which several Palestinians have been killed and many more injured.

"The members of the Security Council condemn all these acts of violence at Rafah. They urge maximum restraint in order to bring the violence to an end.

(The President)

"The members of the Security Council urge Israel to abide at all times by its obligations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and to respect and to act in accordance with the relevant resolutions of the Security Council. The members of the Security Council are concerned that any escalation of violence would have serious implications for the peace process, especially at a time when negotiations to achieve a comprehensive, just and lasting peace are under way.

"The members of the Security Council request the Secretary-General to use his good offices, in accordance with resolution 681 (1990), regarding this situation concerning Palestinian civilians under Israeli occupation."

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.45 a.m.